



Convention on the Elimination
of All Forms of Discrimination
against Women

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MEETING OF STATES PARTIES TO THE CONVENTION
ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
Sixth session
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OTHER MATTERS

Declarations, reservations, objections and notifications of withdrawal
of reservations relating to the Convention on the Elimination
of All Forms of Discrimination against Women**

Note by the Secretary-General

CONTENTS

	Page
INTRODUCTION	4
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	4
A. General information	4
B. Texts of declarations and reservations	8
Argentina	8
Australia	8
Austria	9
Bangladesh	9
Belgium	9
Brazil	10
Bulgaria	10
Canada	10
China	10
Cuba	11
Cyprus	11

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	<u>Page</u>
Egypt	11
El Salvador	12
Ethiopia	12
France	13
Germany*	14
Indonesia	14
Iraq	15
Ireland	15
Israel	16
Jamaica	16
Libyan Arab Jamahiriya	16
Luxembourg	17
Malta	17
Mauritius	18
Netherlands	18
New Zealand	18
Poland	19
Republic of Korea	19
Romania	19
Spain	20
Thailand	20
Trinidad and Tobago	20
Tunisia	21
Turkey	22
United Kingdom of Great Britain and Northern Ireland	22
Venezuela	27
Viet Nam	27
Yemen	27
 C. Objections to certain declarations and reservations	 28
Objection by Argentina to the application of the Convention to the Falkland Islands (Malvinas), and South Georgia and the South Sandwich Islands by the United Kingdom, notified upon ratification	 28
Communication of the United Kingdom concerning the objection of Argentina	 28
Objection by Denmark to the reservation made by the Libyan Arab Jamahiriya upon accession	 28
Objection by Finland to the reservation made by the Libyan Arab Jamahiriya upon accession	 29

*Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation "Germany".

	Page
Objections by Germany to the reservations made by Bangladesh, Iraq, Libyan Arab Jamahiriya, Malawi, Mauritius, Thailand and Turkey upon accession and by Brazil, Egypt, Jamaica, the Republic of Korea and Tunisia upon ratification	29
Objection by Israel to the reservation made by Iraq upon accession ..	30
Objections by Mexico to the reservations made by Bangladesh, Cyprus, Iraq, the Libyan Arab Jamahiriya, Mauritius, Thailand and Turkey upon accession and by Egypt, Jamaica, New Zealand and the Republic of Korea upon ratification; Communication regarding Malawi	30
Objections by the Netherlands to the reservations made by Bangladesh, Iraq, the Libyan Arab Jamahiriya, Malawi, Mauritius, Thailand and Turkey upon accession and by Brazil, Egypt, Jamaica, the Republic of Korea and Tunisia upon ratification	32
Objections by Norway to the reservation made by the Libyan Arab Jamahiriya upon accession	33
Objections by Sweden to the reservations made by Bangladesh, Iraq, the Libyan Arab Jamahiriya, Malawi, Mauritius and Thailand upon accession and by Brazil, Egypt, Jamaica, New Zealand, the Republic of Korea and Tunisia upon ratification	33
D. Notifications of withdrawal of certain reservations	35
Belarus, Ukraine and the Union of Soviet Socialist Republics	35
Czechoslovakia	35
France	35
Hungary	35
Ireland	36
Malawi	36
Mongolia	36
New Zealand	36
Republic of Korea	36
Thailand	37

Annexes

I. Status of declarations, reservations, objections and notifications of withdrawal of reservations by States parties related to articles of the Convention on the Elimination of All Forms of Discrimination against Women	39
II. Articles of the Convention on the Elimination of All Forms of Discrimination against Women for which States parties have not yet withdrawn their reservations	45

INTRODUCTION

1. The present document contains the declarations, reservations, objections and notifications of withdrawal of reservations made by States parties with respect to the Convention on the Elimination of All Forms of Discrimination against Women reproduced in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1990. 1/ Declarations, reservations, objections and notifications of withdrawal of reservations made from 2 January to 1 August 1991 have been taken from the report of the Secretary-General on the status of the Convention (A/46/462).

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

A. General information

2. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in its resolution 34/180 of 18 December 1979. It entered into force on 3 September 1981, in accordance with the provisions of its article 27. The status of States parties with respect to the Convention as of 1 November 1991 is shown below.

Status of States parties with respect to the Convention on the
Elimination of All Forms of Discrimination against Women
as of 1 November 1991

<u>State party</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Afghanistan	14 August 1980	
Angola		17 September 1986 a/
Antigua and Barbuda		1 August 1989 a/
Argentina	17 July 1980	15 July 1985 b/
Australia	17 July 1980	28 July 1983 b/
Austria	17 July 1980	31 March 1982 b/
Bangladesh		6 November 1984 a/, b/
Barbados	24 July 1980	16 October 1980
Belarus	17 July 1980	4 February 1981 c/
Belgium	17 July 1980	10 July 1985 b/
Belize	7 March 1990	16 May 1990
Benin	11 November 1981	
Bhutan	17 July 1980	31 August 1981
Bolivia	30 May 1980	8 June 1990
Brazil	31 March 1981	1 February 1984 b/
Bulgaria	17 July 1980	8 February 1982 b/
Burkina Faso		14 October 1987 a/
Burundi	17 July 1980	

1/ Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1990 (United Nations publication, Sales No. E.91.V.8), chap. IV, sect. 8.

<u>State party</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Cambodia	17 October 1980	
Cameroon	6 June 1983	
Canada	17 July 1980	10 December 1981 b/
Cape Verde		5 December 1980 a/
Central African Republic		21 June 1991 a/
Chile	17 July 1980	7 December 1989
China	17 July 1980	4 November 1980 b/
Colombia	17 July 1980	19 January 1982
Congo	29 July 1980	26 July 1982
Costa Rica	17 July 1980	4 April 1986
Côte d'Ivoire	17 July 1980	
Cuba	6 March 1980	17 July 1980 b/
Cyprus		23 July 1985 a/, b/
Czechoslovakia	17 July 1980	16 February 1982 c/
Denmark	17 July 1980	21 April 1983
Dominica	15 September 1980	15 September 1980
Dominican Republic	17 July 1980	2 September 1982
Ecuador	17 July 1980	9 November 1981
Egypt	16 July 1980	18 September 1981 b/
El Salvador	14 November 1980	19 August 1981 b/
Equatorial Guinea		23 October 1984 a/
Estonia		21 October 1991
Ethiopia	8 July 1980	10 September 1981 b/
Finland	17 July 1980	4 September 1986
France	17 July 1980	14 December 1983 b/, c/
Gabon	17 July 1980	21 January 1983
Gambia	29 July 1980	
Germany*	17 July 1980	10 July 1985 b/
Ghana	17 July 1980	2 January 1986
Greece	2 March 1982	7 June 1983
Grenada	17 July 1980	30 August 1990
Guatemala	8 June 1981	12 August 1982
Guinea	17 July 1980	9 August 1982
Guinea-Bissau	17 July 1980	23 August 1985
Guyana	17 July 1980	17 July 1980
Haiti	17 July 1980	20 July 1981
Honduras	11 June 1980	3 March 1983
Hungary	6 June 1980	22 December 1980 c/
Iceland	24 July 1980	18 June 1985
India	30 July 1980 b/	
Indonesia	29 July 1980	13 September 1984 b/
Iraq		13 August 1986 a/, b/
Ireland		23 December 1985 a/, b/, c/
Israel	17 July 1980	3 October 1991 b/
Italy	17 July 1980 b/	10 June 1985
Jamaica	17 July 1980	19 October 1984 b/

*See footnote on page 2.

<u>State party</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Japan	17 July 1980	25 June 1985
Jordan	3 December 1980 b/	
Kenya		9 March 1984 a/
Lao People's Democratic Republic	17 July 1980	14 August 1981
Lesotho	17 July 1980	
Liberia		17 July 1984 a/
Libyan Arab Jamahiriya		16 May 1989 a/, b/
Luxembourg	17 July 1980	2 February 1989 b/
Madagascar	17 July 1980	17 March 1989
Malawi		12 March 1987 a/, c/
Mali	5 February 1985	10 September 1985
Malta		8 March 1991 a/, b/
Mauritius		9 July 1984 a/, b/
Mexico	17 July 1980 b/	23 March 1981
Mongolia	17 July 1980 b/	20 July 1981 c/
Nepal	5 February 1981	22 April 1991
Netherlands	17 July 1980	23 July 1991
New Zealand	17 July 1980	10 January 1985 b/, c/
Nicaragua	17 July 1980	27 October 1981
Nigeria	23 April 1984	13 June 1985
Norway	17 July 1980	21 May 1981
Panama	26 June 1980	29 October 1981
Paraguay		6 April 1987 a/
Peru	23 July 1981	13 September 1982
Philippines	15 July 1980	5 August 1981
Poland	29 May 1980	30 July 1980 b/
Portugal	24 April 1980	30 July 1980
Republic of Korea	25 May 1983	27 December 1984 b/, c/
Romania	4 September 1980	7 January 1982 b/
Rwanda	1 May 1980	2 March 1981
Saint Kitts and Nevis		25 April 1985 a/
Saint Lucia		8 October 1982 a/
Saint Vincent and the Grenadines		4 August 1981 a/
Senegal	29 July 1980	5 February 1985
Sierra Leone	21 September 1988	11 November 1988
Spain	17 July 1980	5 January 1984 b/
Sri Lanka	17 July 1980	5 October 1981
Sweden	7 March 1980	2 July 1980
Switzerland	23 January 1987	
Thailand		9 August 1985 a/, b/, c/
Togo		26 September 1983 a/
Trinidad and Tobago	27 June 1985 b/	12 January 1990 b/
Tunisia	24 July 1980	20 September 1985 b/
Turkey		20 December 1985 a/, b/
Uganda	30 July 1980	22 July 1985
Ukraine	17 July 1980	12 March 1981 c/
Union of Soviet Socialist Republics	17 July 1980 b/	23 January 1981 b/, c/

<u>State party</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
United Kingdom of Great Britain and Northern Ireland	22 July 1981 b/	7 April 1986 b/
United Republic of Tanzania	17 July 1980	20 August 1985
United States of America	17 July 1980	
Uruguay	30 March 1981	9 October 1981
Venezuela	17 July 1980	2 May 1983 b/
Viet Nam	29 July 1980	17 February 1982 b/
Yemen*		30 May 1984 a/, b/
Yugoslavia	17 July 1980	26 February 1982
Zaire	17 July 1980	17 October 1986
Zambia	17 July 1980	21 June 1985
Zimbabwe		13 May 1991 a/

a/ Accession.

b/ Reservations.

c/ Reservation subsequently withdrawn.

d/ Declaration.

*Yemen was admitted to membership in the United Nations on 30 September 1947 and Democratic Yemen on 14 December 1967. On 22 May 1990 the two countries merged and have since been represented as one Member with the name "Yemen". Ratification was effected by the former Democratic Yemen.

B. Texts of declarations and reservations

Argentina

[Original: Spanish]
[15 July 1985]

Reservation

The Government of Argentina declares that it does not consider itself bound by article 29, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women."

Australia

[Original: English]
[28 July 1983]

Declaration

"Australia has a Federal Constitutional System in which Legislative, Executive and Judicial Powers are shared or distributed between the Commonwealth and the Constituent States. The implementation of the Treaty throughout Australia will be effected by the Commonwealth State and Territory Authorities having regard to their respective constitutional powers and arrangements concerning their exercise."

Reservations

"The Government of Australia states that maternity leave with pay is provided in respect of most women employed by the Commonwealth Government and the Governments of New South Wales and Victoria. Unpaid maternity leave is provided in respect of all other women employed in the State of New South Wales and elsewhere to women employed under Federal and some State industrial awards. Social Security benefits subject to income tests are available to women who are sole parents.

"The Government of Australia advises that it is not at present in a position to take the measures required by article 11 (2) (b) to introduce maternity leave with pay or with comparable social benefits throughout Australia.

"The Government of Australia advises that it does not accept the application of the Convention in so far as it would require alteration of Defence Force policy which excludes women from combat and combat-related duties. The Government of Australia is reviewing this policy so as to more closely define 'combat' and 'combat-related duties'."

Austria

[Original: English]
[31 March 1982]

Reservation

"Austria reserves its right to apply the provision of article 7 (b), as far as service in the armed forces is concerned, and the provision of article 11, as far as night work of women and special protection of working women is concerned, within the limits established by national legislation."

Bangladesh

[Original: English]
[6 November 1984]

Reservation

"The Government of the People's Republic of Bangladesh does not consider as binding upon itself the provisions of articles 2, 13 (a) and 16.1 (c) and (f) as they conflict with Sharia law based on Holy Quran and Sunna."

Belgium

[Original: French]
[3 July 1985]

Reservations

Article 7

The application of article 7 shall not affect the validity of the provisions of the Constitution as laid down in article 60, which reserves for men the exercise of royal powers, and in article 58, which reserves for the sons of the King or, where there are none, for Belgian princes of the branch of the royal family in line to the throne, the function of ex officio senators as from the age of 18 years, with entitlement to vote as from the age of 25 years.

Article 15

The application of article 15, paragraphs 2 and 3, shall not affect the validity of the interim provisions enacted for couples married before the entry into force of the Act of 14 July 1976 concerning the reciprocal rights and duties of husbands and wives and their marriage contracts, in cases where, in accordance with the option available to them under the Act, they have declared that they are maintaining in toto their prior marriage contracts.

Brazil

[Original: Portuguese]
[1 February 1984]

Reservations

The Government of the Federative Republic of Brazil hereby expresses its reservations to article 15, paragraph 4, and to article 16, paragraphs 1 (a), (c), (g) and (h), of the Convention on the Elimination of All Forms of Discrimination against Women.

Furthermore, Brazil does not consider itself bound by article 29, paragraph 1, of the above-mentioned Convention.

Bulgaria

[Original: English]
[8 February 1982]

Reservation

"The People's Republic of Bulgaria does not consider itself bound by the provisions of article 29, paragraph 1, of the Convention."

Canada

[Original: English]
[10 December 1981]

Declaration

"The Government of Canada states that the competent legislative authorities within Canada have addressed the concept of equal pay referred to in article 11 (1) (d) by legislation which requires the establishment of rates of remuneration without discrimination on the basis of sex. The competent legislative authorities within Canada will continue to implement the object and purpose of article 11 (1) (d) and to that end have developed, and where appropriate will continue to develop, additional legislative and other measures."

China

[Original: Chinese]
[4 November 1980]

Reservation

The People's Republic of China does not consider itself bound by paragraph 1 of article 29 of the Convention.

Cuba

[Original: Spanish]
[17 July 1980]

Reservation

The Government of the Republic of Cuba makes a specific reservation concerning the provisions of article 29 of the Convention inasmuch as it holds that any disputes that may arise between States parties should be resolved by means of direct negotiations through the diplomatic channel.

Cyprus

[Original: English]
[23 July 1985]

Reservation

"In depositing this Instrument of Accession, the Government of the Republic of Cyprus wishes to enter a reservation concerning the granting to women of equal rights with men with respect to the nationality of their children, mentioned in article 9, paragraph 2, of the Convention. This reservation is to be withdrawn upon amendment of the relevant Law."

Egypt

[Original: Arabic]
[18 September 1981]

Reservations

Article 9

Reservation to the text of article 9, paragraph 2, concerning the granting to women of equal rights with men with respect to the nationality of their children, without prejudice to the acquisition by a child born of a marriage of the nationality of his father. This is in order to prevent a child's acquisition of two nationalities, since this may be prejudicial to his future. It is clear that the child's acquisition of his father's nationality is the procedure most suitable for the child and that this does not infringe upon the principle of equality between men and women, since it is customary for a woman to agree, upon marrying an alien, that her children shall be of the father's nationality.

Article 16

Reservation to the text of article 16 concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic Shariah provisions whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them. This is out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the

fact that one of the most important bases of these relations is an equivalency of rights and duties so as to ensure complementarity which guarantees true equality between the spouses, not a quasi-equality that renders the marriage a burden on the wife. The provisions of the Shariah lay down that the husband shall pay bridal money to the wife and maintain her fully and shall also make a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The Shariah therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is laid down in the case of the husband.

Article 29

The Egyptian delegation maintains the reservation contained in article 29, paragraph 2, concerning the right of a State signatory to the Convention to declare that it does not consider itself bound by paragraph 1 of that article concerning the submission to an arbitral body of any dispute which may arise between States concerning the interpretation or application of the Convention. This is in order to avoid being bound by the system of arbitration in this field.

General reservation to article 2

The Arab Republic of Egypt is willing to comply with the content of this article, provided that such compliance does not run counter to the Islamic Shariah.

El Salvador

[Original: Spanish]
[19 August 1981]

Reservation

The Government of El Salvador made a reservation with regard to the application of the provisions of article 29, paragraph 1, of the Convention.

Ethiopia

[Original: English]
[10 September 1981]

Reservation

"In ratifying the said Convention, Socialist Ethiopia does not consider itself bound by paragraph 1 of article 29 of the Convention."

France

[Original: French]
[14 December 1983]

Declarations

The Government of the French Republic declares that the preamble to the Convention - in particular the eleventh preambular paragraph - contains debatable elements which are definitely out of place in this text.

The Government of the French Republic declares that the term "family education" in article 5 (b) of the Convention must be interpreted as meaning public education concerning the family and that, in any event, article 5 will be applied subject to respect for article 17 of the International Covenant on Civil and Political Rights, and article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Government of the French Republic declares that no provision of the Convention must be interpreted as prevailing over provisions of French legislation which are more favourable to women than to men.

ReservationsArticle 14

1. The Government of the French Republic declares that article 14, paragraph 2 (c), should be interpreted as guaranteeing that women who fulfil the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security.
2. The Government of the French Republic declares that article 14, paragraph (2) (h), of the Convention should not be interpreted as implying the actual provision, free of charge, of the services mentioned in that paragraph."

Article 16

The Government of the French Republic enters a reservation concerning the right to choose a family name mentioned in article 16, paragraph 1 (g), of the Convention.

Article 29

The Government of the French Republic declares, in pursuance of article 29, paragraph 2, of the Convention, that it will not be bound by the provisions of article 29, paragraph 1.

Germany*

[Original: English]
[10 July 1985]

Declaration

"The right of peoples to self-determination, as enshrined in the Charter of the United Nations and in the International Covenants of 19 December 1966, applies to all peoples and not only to those living 'under alien and colonial domination and foreign occupation'. All peoples thus have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Republic of Germany would be unable to recognize as legally valid an interpretation of the right to self-determination which contradicts the unequivocal wording of the Charter of the United Nations and of the two International Covenants of 19 December 1966 on Civil and Political Rights and on Economic, Social and Cultural Rights. It will interpret the eleventh paragraph of the Preamble accordingly."

Reservation

"Article 7 (b) will not be applied to the extent that it contradicts the second sentence of article 12 a (4) of the Basic Law of the Federal Republic of Germany. Pursuant to this provision of the Constitution, women may on no account render service involving the use of arms."

Indonesia

[Original: English]
[13 September 1984]

Reservation

"The Government of the Republic of Indonesia does not consider itself bound by the provision of article 29, paragraph 1, of this Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute."

*The German Democratic Republic had ratified the Convention on 9 July 1980. For the text of the reservation made by the former German Democratic Republic, see "Reservations, declarations, notifications and objections relating to the Convention on the Elimination of All Forms of Discrimination against Women: note by the Secretary-General" (CEDAW/SP/13/Rev.1).

Iraq

[Original: Arabic]
[13 August 1986]

Reservations

1. Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of article 2, paragraphs (f) and (g), of article 9, paragraphs 1 and 2, nor of article 16 of the Convention. The reservations to this last-mentioned article shall be without prejudice to the provisions of the Islamic Shariah according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.
2. This approval in no way implies recognition of or entry into any relations with Israel.

Ireland

[Original: English]
[23 December 1985]

Reservations

Article 13, paragraphs (b) and (c)

"The question of supplementing the guarantee of equality contained in the Irish Constitution with special legislation governing access to financial credit and other services and recreational activities, where these are provided by private persons, organizations or enterprises is under consideration. For the time being Ireland reserves the right to regard its existing law and measures in this area as appropriate for the attainment in Ireland of the objectives of the Convention."

Article 15

"With regard to paragraph 3 of this article, Ireland reserves the right not to supplement the existing provisions in Irish law which accord women a legal capacity identical to that of men with further legislation governing the validity of any contract or other private instrument freely entered into by a woman."

Article 16, paragraphs 1 (d) and (f)

"Ireland is of the view that the attainment in Ireland of the objectives of the Convention does not necessitate the extension to men of rights identical to those accorded by law to women in respect of the guardianship, adoption and custody of children born out of wedlock and reserves the right to implement the Convention subject to that understanding."

Israel

[Original: English]
[3 October 1991]

Reservations

"1. The State of Israel hereby expresses its reservation with regard to article 7 (b) of the Convention concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel. Otherwise, the said article is fully implemented in Israel, in view of the fact that women take a prominent part in all aspects of public life.

"2. The State of Israel hereby expresses its reservation with regard to article 16 of the Convention, insofar as the laws of personal status binding on the several religious communities in Israel do not conform with the provisions of that article.

"3. In accordance with paragraph 2 of article 29 of the Convention, the State of Israel hereby declares that it does not consider itself bound by paragraph 1 of that article."

Jamaica

[Original: English]
[19 October 1984]

Reservations

"The Government of Jamaica does not consider itself bound by the provisions of article 9, paragraph 2, of the Convention.

"The Government of Jamaica declares that it does not consider itself bound by the provisions of article 29, paragraph 1, of the Convention."

Libyan Arab Jamahiriya

[Original: Arabic]
[16 May 1989]

Reservation

The accession is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah.

Luxembourg

[Original: French]
[2 February 1989]

Reservations

(a) The application of article 7 shall not affect the validity of the article of our Constitution concerning the hereditary transmission of the crown of the Grand Duchy of Luxembourg, in accordance with the family compact of the house of Nassau of 30 June 1783, maintained by article 71 of the Treaty of Vienna of 9 June 1815 and expressly maintained by article 1 of the Treaty of London of 11 May 1867.

(b) The application of paragraph 1 (g) of article 16 of the Convention shall not affect the right to choose the family name of children.

Malta

[Original: English]
[8 March 1991]

ReservationsArticle 11

"The Government of Malta interprets paragraph 1 of article 11, in the light of the provisions of paragraph 2 of article 4, as not precluding prohibitions, restrictions, or conditions on the employment of women in certain areas, or the work done by them, where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Malta."

Article 13

"(i) The Government of Malta reserves the right, notwithstanding anything in the Convention, to continue to apply its tax legislation which deems, in certain circumstances, the income of a married woman to be the income of her husband and taxable as such.

"(ii) The Government of Malta reserves the right to continue to apply its social security legislation which in certain circumstances makes certain benefits payable to the head of the household which is, by such legislation, presumed to be the husband."

Articles 13, 15 and 16

"While the Government of Malta is committed to remove, in as far as possible, all aspects of family property law which may be considered as discriminatory to females, it reserves the right to continue to apply present legislation in that regard until such time as the law is reformed and during such transitory period until those laws are completely superseded."

Article 16

"The Government of Malta does not consider itself bound by sub-paragraph (e) of paragraph (1) of article 16 in so far as the same may be interpreted as imposing an obligation on Malta to legalise abortion."

Mauritius

[Original: English]
[9 July 1984]

Reservations

"The Government of Mauritius does not consider itself bound by sub-paragraphs (b) and (d) of paragraph 1 of article 11 and sub-paragraph (g) of paragraph 1 of article 16.

"The Government of Mauritius does not consider itself bound by paragraph 1 of article 29 of the Convention, in pursuance of paragraph 2 of article 29."

Netherlands

[Original: English]
[30 July 1980]

Declaration

"During the preparatory stages of the present Convention and in the course of debates on it in the General Assembly the position of the Government of the Kingdom of the Netherlands was that it was not desirable to introduce political considerations such as those contained in paragraphs 10 and 11 of the preamble in a legal instrument of this nature. Moreover, the considerations are not directly related to the achievement of total equality between men and women. The Government of the Kingdom of the Netherlands considers that it must recall its objections to the said paragraphs in the preamble at this occasion."

New Zealand

[Original: English]
[10 January 1985]

Reservations

"The Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserve the right not to apply the provisions of article 11 (2) (b).

"The Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserve the right not to apply the provisions of the Convention in so far as they are inconsistent with policies relating to recruitment into or service in:

"(a) the Armed Forces which reflect either directly or indirectly the fact that members of such forces are required to serve on armed forces aircraft or vessels and in situations involving armed combat

"or

"(b) the law enforcement forces which reflect either directly or indirectly the fact that members of such forces are required to serve in situations involving violence or threat of violence.

"The Government of the Cook Islands reserves the right not to apply article 2 (f) and article 5 (a) to the extent that the customs governing the inheritance of certain Cook Islands chief titles may be inconsistent with those provisions."

Poland

[Original: English]
[30 July 1980]

Reservation

"The People's Republic of Poland does not consider itself bound by article 29, paragraph 1, of the Convention."

Republic of Korea

[Original: English]
[27 December 1984]

Reservation

"The Government of the Republic of Korea, having examined the said Convention, hereby ratifies the Convention considering itself not bound by the provisions of article 9 and sub-paragraphs (c), (d), (f) and (g) of paragraph 1 of article 16 of the Convention."

Romania

[Original: French]
[7 January 1982]

Reservations

1. The Socialist Republic of Romania states that it does not consider itself bound by the provisions of article 29, paragraph 1, of the Convention, whereby any dispute between two or more States parties concerning the interpretation or application of the Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration.

2. Romania believes that such disputes may be submitted to arbitration only with the consent of all States parties to the dispute, for each specific case.

Spain

[Original: Spanish]
[5 January 1984]

Declaration

The ratification of the Convention by Spain shall not affect the constitutional provisions concerning succession to the Spanish crown.

Thailand

[Original: English]
[9 August 1985]

Declaration

"The Royal Thai Government wishes to express its understanding that the purposes of the Convention are to eliminate discrimination against women and to accord to every person, men and women alike, equality before the law, and are in accordance with the principles prescribed by the Constitution of the Kingdom of Thailand."

Reservations

"1. In all matters which concern national security maintenance of public order and service or employment in the military or paramilitary forces, the Royal Thai Government reserves its right to apply the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, in particular articles 7 and 10, only within the limits established by national laws, regulations and practices.

"2. With regard to article 9, paragraph 2, and article 11, paragraph 1 (b), as far as night work of women and special protection of working women are concerned, the Royal Thai Government considers that the application of the said provisions shall be subject to the limits and criteria established by national laws, regulations and practices.

"3. The Royal Thai Government does not consider itself bound by the provisions of article 15, paragraph 3. article 16 and article 29, paragraph 1, of the Convention."

Trinidad and Tobago

[Original: English]
[12 January 1990]

Reservation

"The Republic of Trinidad and Tobago declares that it does not consider itself bound by article 29 (1) of the said Convention, relating to the settlement of disputes."

Tunisia

[Original: Arabic]
[20 September 1985]

General declaration

The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.

Declaration concerning article 15

In accordance with the provisions of the Vienna Convention on the Law of Treaties, dated 23 May 1969, the Tunisian Government emphasizes that the requirements of article 15, paragraph 4, of the Convention on the Elimination of All Forms of Discrimination against Women, and particularly that part relating to the right of women to choose their residence and domicile, must not be interpreted in a manner which conflicts with the provisions of the Personal Status Code on this subject, as set forth in chapters 23 and 61 of the Code."

Reservations

Article 9

The Tunisian Government expresses its reservation with regard to the provisions in article 9, paragraph 2, of the Convention, which must not conflict with the provisions of chapter VI of the Tunisian Nationality Code.

Article 16

The Tunisian Government considers itself not bound by article 16, paragraphs (c), (d) and (f), of the Convention and declares that paragraphs (g) and (h) of that article must not conflict with the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property through inheritance.

Article 29

The Tunisian Government declares, in conformity with the requirements of article 29, paragraph 2, of the Convention, that it shall not be bound by the provisions of paragraph 1 of that article, which specify that any dispute between two or more States parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall be referred to the International Court of Justice at the request of any one of those parties.

The Tunisian Government considers that such disputes should be submitted for arbitration or consideration by the International Court of Justice only with the consent of all parties to the dispute.

Turkey

[Original: English]
[20 December 1985]

Declaration

"The Government of the Republic of Turkey declares that article 9, paragraph 1, of the Convention is not in conflict with the provisions of article 5, paragraph 1, and articles 15 and 17 of the Turkish Law on Nationality, relating to the acquisition of citizenship, since the intent of those provisions regulating acquisition of citizenship through marriage is to prevent statelessness."

Reservations

"The Government of the Republic of Turkey [makes reservations] with regard to the articles of the Convention dealing with family relations which are not completely compatible with the provisions of the Turkish Civil Code, in particular, article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g), as well as with respect to article 29, paragraph 1. In pursuance of article 29, paragraph 2, of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article."

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[7 April 1986]

Declarations and reservations

A. On behalf of the United Kingdom of Great Britain and Northern Ireland

"(a) The United Kingdom understands the main purpose of the Convention, in the light of the definition contained in article 1, to be the reduction, in accordance with its terms, of discrimination against women, and does not therefore regard the Convention as imposing any requirement to repeal or modify any existing laws, regulations, customs or practices which provide for women to be treated more favourably than men, whether temporarily or in the longer term; the United Kingdom's undertakings under article 4, paragraph 1, and other provisions of the Convention are to be construed accordingly.

"(b) The United Kingdom reserves the right to regard the provisions of the Sex Discrimination Act 1975, the Employment Protection (Consolidation) Act 1978, the Employment Act 1980, the Sex Discrimination (Northern Ireland) Order 1976, the Industrial Relations (No. 2) (Northern Ireland) Order 1976, the Industrial Relations (Northern Ireland) Order 1982, the Equal Pay Act 1970 (as amended) and the Equal Pay Act (Northern Ireland) 1970 (as amended), including the exceptions and exemptions contained in any of these Acts and Orders, as constituting appropriate measures for the practical realization of the objectives of the Convention in the social and economic circumstances of the United Kingdom, and to continue to apply these provisions accordingly; this reservation will apply equally to any future legislation which may modify or replace the above Acts and Orders on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"(c) In the light of the definition contained in article 1, the United Kingdom's ratification is subject to the understanding that none of its obligations under the Convention shall be treated as extending to the succession to, or possession and enjoyment of, the Throne, the peerage, titles of honour, social precedence or armorial bearings, or as extending to the affairs of religious denominations or orders or to the admission into or service in the Armed forces of the Crown.

"(d) The United Kingdom reserves the right to continue to apply such immigration legislation governing entry into, stay in, and departure from, the United Kingdom as it may deem necessary from time to time and, accordingly, its acceptance of article 15 (4) and of the other provisions of the Convention is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom."

Article 1

"With reference to the provisions of the Sex Discrimination Act 1975 and other applicable legislation, the United Kingdom's acceptance of article 1 is subject to the reservation that the phrase 'irrespective of their marital status' shall not be taken to render discriminatory any difference of treatment accorded to single persons as against married persons, so long as there is equality of treatment as between married men and married women and as between single men and single women."

Article 2

"In the light of the substantial progress already achieved in the United Kingdom in promoting the progressive elimination of discrimination against women, the United Kingdom reserves the right, without prejudice to the other reservations made by the United Kingdom, to give effect to paragraphs (f) and (g) by keeping under review such of its laws and regulations as may still embody significant differences in treatment between men and women with a view to making changes to those laws and regulations when to do so would be compatible with essential and overriding considerations of economic policy. In relation to forms of discrimination more precisely prohibited by other provisions of the Convention, the obligations under this article must (in the case of the United Kingdom) be read in conjunction with the other reservations and declarations made in respect of those provisions including the declarations and reservations of the United Kingdom contained in paragraphs (a)-(d) above.

"With regard to paragraphs (f) and (g) of this article the United Kingdom reserves the right to continue to apply its law relating to sexual offences and prostitution; this reservation will apply equally to any future law which may modify or replace it."

Article 9

"The British Nationality Act 1981, which was brought into force with effect from January 1983, is based on principles which do not allow of any discrimination against women within the meaning of article 1 as regards acquisition, change or retention of their nationality or as regards the nationality of their children. The United Kingdom's acceptance of article 9 shall not, however, be taken to invalidate the continuation of certain temporary or transitional provisions which will continue in force beyond that date.

"The United Kingdom reserves the right to take such steps as may be necessary to comply with its obligations under article 2 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Paris on 20 March 1952 and its obligations under paragraph 3 of article 13 of the International Covenant on Economic, Social and Cultural Rights opened for signature at New York on 19 December 1966, to the extent that the said provisions preserve the freedom of parental choice in respect of the education of children; and reserves also the right not to take any measures which may conflict with its obligation under paragraph 4 of article 13 of the said Covenant not to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject to the observation of certain principles and standards."

Article 10

"The United Kingdom can only accept the obligations under paragraph (c) of article 10 within the limits of the statutory powers of Central Government, in the light of the fact that the teaching curriculum, the provision of textbooks and teaching methods are reserved for local control and are not subject to central Government direction; moreover, the acceptance of the objective of encouraging co-education is without prejudice to the right of the United Kingdom also to encourage other types of education."

Article 11

"The United Kingdom interprets the 'right to work' referred to in paragraph 1 (a) as a reference to the 'right to work' as defined in other human rights instruments to which the United Kingdom is a party, notably article 6 of the International Covenant on Economic, Social and Cultural Rights of 19 December 1966.

"The United Kingdom interprets paragraph 1 of article 11, in the light of the provisions of paragraph 2 of article 4, as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on the work done by them, where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of the United Kingdom; the United Kingdom declares that, in the event of a conflict between obligations under the present Convention and its obligations under the Convention concerning the employment of women on underground work in mines of all kinds (ILO Convention No. 45), the provisions of the last mentioned Convention shall prevail.

"The United Kingdom reserves the right to apply all United Kingdom legislation and the rules of pension schemes affecting retirement pensions, survivors' benefits and other benefits in relation to death or retirement (including retirement on grounds of redundancy), whether or not derived from a Social Security scheme.

"This reservation will apply equally to any future legislation which may modify or replace such legislation, or the rules of pension schemes, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"The United Kingdom reserves the right to apply the following provisions of United Kingdom legislation concerning the benefits specified:

"(a) Social security benefits for persons engaged in caring for a severely disabled person under section 37 of the Social Security Act 1975 and section 37 of the Social Security (Northern Ireland) Act 1975;

"(b) Increases of benefit for adult dependants under sections 44 to 47, 49 and 66 of the Social Security Act 1975 and under sections 44 to 47, 49 and 66 of the Social Security (Northern Ireland) Act 1975;

"(c) Retirement pensions and survivors' benefits under the Social Security Acts 1975 to 1982 and the Social Security (Northern Ireland) Acts 1975 to 1982;

"(d) Family income supplements under the Family Income Supplements Act 1970 and the Family Income Supplements Act (Northern Ireland) 1971.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in article 11 (2)."

Article 13

"The United Kingdom reserves the right, notwithstanding the obligations undertaken in article 13, or any other relevant article of the Convention, to continue to apply the income tax and capital gains tax legislation which:

"(i) Deems for income tax purposes the income of a married woman living with her husband in a year, or part of a year, of assessment to be her husband's income and not to be her income (subject to the right of the husband and the wife to elect jointly that the wife's earned income shall be charged to income tax as if she were a single woman with no other income); and

"(ii) Requires tax in respect of such income and of chargeable gains accruing to such a married woman to be assessed on her husband (subject to the right of either of them to apply for separate assessment) and consequently (if no such application is made) restricts to her husband the right to appeal against any such assessment and to be heard or to be represented at the hearing of any such appeal; and

"(iii) Entitles a man who has his wife living with him, or whose wife is wholly maintained by him, during the year of assessment to a deduction from his total income of an amount larger than that to which an individual in any other case is entitled and entitles an individual whose total income includes any earned income of his wife to have that deduction increased by the amount of that earned income or by an amount specified in the legislation whichever is the less."

Article 15

"In relation to article 15, paragraph 2, the United Kingdom understands the term 'legal capacity' as referring merely to the existence of a separate and distinct legal personality.

"In relation to article 15, paragraph 3, the United Kingdom understands the intention of this provision to be that only those terms or elements of a contract or other private instrument which are discriminatory in the sense described are to be deemed null and void, but not necessarily the contract or instrument as a whole."

Article 16

"As regards sub-paragraph 1 (f) of article 16, the United Kingdom does not regard the reference to the paramountcy of the interests of the children as being directly relevant to the elimination of discrimination against women, and declares in this connection that the legislation of the United Kingdom regulating adoption, while giving a principal position to the promotion of the children's welfare, does not give to the child's interests the same paramount place as in issues concerning custody over children."

"The United Kingdom's acceptance of paragraph 1 of article 16 shall not be treated as either limiting the freedom of a person to dispose of his property as he wishes or as giving a person a right to property the subject of such a limitation."

B. On behalf of the British Virgin Islands, the Falkland Islands (Malvinas), the Isle of Man, South Georgia and the South Sandwich Islands, and the Turks and Caicos Islands

[Same declarations and reservations as those made in respect of the United Kingdom under section A, paragraphs (a), (c), and (d) except that in the case of (d) they apply to the territories and their laws.]

Article 1

[Same reservation as the one made in respect of the United Kingdom except with regard to the absence of a reference to United Kingdom legislation.]

Article 2

[Same reservation as the one made in respect of the United Kingdom except that reference is made to the laws of the territories, and not to the laws of the United Kingdom.]

Article 9

[Same reservation as the one made in respect of the United Kingdom.]

Article 11

[Same reservations as those made in respect of the United Kingdom except that reference is made to the laws of the territories, and not to the laws of the United Kingdom.]

"Also, as far as the territories are concerned, the specific benefits listed and which may be applied under the provisions of these territories' legislation are as follows:

"(a) Social security benefits for persons engaged in caring for a severely disabled person;

- "(b) Increases of benefit for adult dependants;
- "(c) Retirement pensions and survivors' benefits;
- "(d) Family income supplements.

"This reservation will apply equally to any future legislation which may modify or replace any of the provisions specified in sub-paragraphs (a) to (d) above, on the understanding that the terms of such legislation will be compatible with the United Kingdom's obligations under the Convention.

"The United Kingdom reserves the right to apply any non-discriminatory requirement for a qualifying period of employment or insurance for the application of the provisions contained in article 11 (2)."

Articles 13, 15 and 16

[Same reservations as those made in respect of the United Kingdom.]

Venezuela

[Original: Spanish]
[2 May 1983]

Reservation

Venezuela makes a formal reservation with regard to article 29, paragraph 1, of the Convention, since it does not accept arbitration or the jurisdiction of the International Court of Justice for the settlement of disputes concerning the interpretation or application of this Convention.

Viet Nam

[Original: French]
[17 February 1982]

Reservation

The Socialist Republic of Viet Nam will not be bound by the provisions of paragraph 1 of article 29.

Yemen*

[Original: Arabic]
[30 May 1984]

The Government of the People's Democratic Republic of Yemen declares that it does not consider itself bound by article 29, paragraph 1, of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.

*Ratification was effected by the former Democratic Yemen.

C. Objections to certain declarations and reservations

Objection by Argentina to the application of the Convention to the
Falkland Islands (Malvinas), and South Georgia and the South
Sandwich Islands by the United Kingdom,
notified upon ratification

[Original: Spanish]
[4 April 1989]

The Republic of Argentina rejects the extension of the territorial application of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, to the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands, notified by the Government of the United Kingdom of Great Britain and Northern Ireland upon its ratification of that instrument on 7 April 1986.

The Republic of Argentina reaffirms its sovereignty over the aforementioned archipelagos, which are an integral part of its national territory, and recalls that the General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12 and 39/6, in which a sovereignty dispute is recognized and the Governments of Argentina and the United Kingdom are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute and their remaining differences relating to this question, through the good offices of the Secretary-General. The General Assembly has also adopted resolutions 40/21, 41/40, 42/19 and 43/25, which reiterate its request to the parties to resume such negotiations.

Communication of the United Kingdom concerning
the objection of Argentina

[Original: English]
[27 November 1989]

"The Government of the United Kingdom of Great Britain and Northern Ireland rejects the statement made by the Government of Argentina on 4 April 1989 regarding the Falkland Islands and South Georgia and the South Sandwich Islands. The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands, and its consequent right to extend treaties to those Territories."

Objection by Denmark to the reservation made by the
Libyan Arab Jamahiriya upon accession

[Original: English]
[3 July 1990]

"The Government of Denmark has taken note of the reservation made by the Libyan Arab Jamahiriya when acceding to the Convention on the Elimination of All Forms of Discrimination against Women. In view of the Government of

Denmark this reservation is subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

Objection by Finland to the reservation made by the
Libyan Arab Jamahiriya upon accession

[Original: English]
[8 June 1990]

"The Government of Finland has examined the contents of the reservation made by the Libyan Arab Jamahiriya and considers the said reservation as being incompatible with the object and purpose of the Convention. The Government of Finland therefore enters its formal objection to this reservation.

"This objection is not an obstacle to the entry into force of the said Convention between Finland and the Libyan Arab Jamahiriya."

Objections by Germany to the reservations made by Bangladesh, Iraq,
Libyan Arab Jamahiriya, Malawi, Mauritius, Thailand and Turkey
upon accession and by Brazil, Egypt, Jamaica, the
Republic of Korea and Tunisia upon ratification

[Original: English]
[10 July 1985]

"The Federal Republic of Germany considers that the reservations made by Egypt regarding article 2, article 9, paragraph 2, and article 16, by Bangladesh regarding article 2, article 13 (a) and article 16, paragraphs 1 (c) and (f), by Brazil regarding article 15, paragraph 4, and article 16, paragraphs 1 (a), (c), (g) and (h), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraphs 1 (c), (d), (f) and (g), and by Mauritius regarding article 11, paragraphs 1 (b) and (d), and article 16, paragraph 1 (g), are incompatible with the object and purpose of the Convention (article 28, paragraph 2) and therefore objects to them. In relation to the Federal Republic of Germany, they may not be invoked in support of a legal practice which does not pay due regard to the legal status afforded to women and children in the Federal Republic of Germany in conformity with the above-mentioned articles of the Convention.

"This objection shall not preclude the entry into force of the Convention as between Egypt, Bangladesh, Brazil, Jamaica, the Republic of Korea, Mauritius and the Federal Republic of Germany."

Objections, identical in essence, *mutatis mutandis*, were also formulated by the Government of the Federal Republic of Germany in regard to reservations received from various States, as follows:

(a) Thailand, 15 October 1986: In respect of reservations formulated by the Government of Thailand concerning article 9, paragraph 2, article 10, article 11, paragraph 1 (b), article 15, paragraph 3, and article 16. ("The Federal Republic of Germany also holds the view that the reservation made by

Thailand regarding article 7 of the Convention is likewise incompatible with the object and purpose of the Convention because for all matters which concern national security it reserves in a general and thus unspecific manner the right of the Royal Thai Government to apply the provisions only within the limits established by national laws, regulations and practices.");

(b) Tunisia, 15 October 1986: In respect of reservations and some declarations formulated by the Government of Tunisia concerning article 9, paragraph 2, and article 16, as well as the declaration concerning article 15, paragraph 4;

(c) Turkey, 3 March 1987: In respect of reservations made by the Government of Turkey to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g);

(d) Iraq, 3 March 1987: In respect of reservations made by the Government of Iraq with regard to article 2, paragraphs (f) and (g), article 9 and article 16;

(e) Malawi, 7 April 1988: In respect of the first reservation made by the Government of Malawi;

(f) Libyan Arab Jamahiriya, 20 June 1990: In respect of the reservation made by the Government of the Libyan Arab Jamahiriya.

Objection by Israel to the reservation made by Iraq upon accession

[Original: English]
[12 December 1986]

"The Government of the State of Israel has noted that the instrument of accession by Iraq to the Convention on the Elimination of All Forms of Discrimination against Women contains a declaration in respect of Israel. In the view of the Government of the State of Israel, such declaration which is explicitly of a political character is incompatible with the purposes and objectives of the Convention and cannot in any way affect whatever obligations are binding upon Iraq under general international law or under particular conventions.

"The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Iraq an attitude of complete reciprocity."

Objections by Mexico to the reservations made by Bangladesh, Cyprus, Iraq, the Libyan Arab Jamahiriya, Mauritius, Thailand and Turkey upon accession and by Egypt, Jamaica, New Zealand and the Republic of Korea upon ratification; Communication regarding Malawi

[Original: Spanish]
[11 January 1985]

The Government of the United Mexican States has studied the content of the reservations made by Mauritius to article 11, paragraphs 1 (b) and (d), and article 16, paragraph 1 (g), of the Convention and has concluded that they

should be considered invalid in the light of article 28, paragraph 2, of the Convention, because they are incompatible with its object and purpose.

Indeed, these reservations, if implemented, would inevitably result in discrimination against women on the basis of sex, which is contrary to all the articles of the Convention. The principles of equal rights of men and women and non-discrimination on the basis of sex, which are embodied in the second preambular paragraph and article 1, paragraph 3, of the Charter of the United Nations, to which Mauritius is a signatory, and in articles 2 and 16 of the Universal Declaration of Human Rights of 1948, were previously accepted by the Government of Mauritius when it acceded, on 12 December 1973, to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The above-mentioned principles were stated in article 2, paragraph 1, and article 3 of the former Covenant and in article 2, paragraph 2, and article 3 of the latter. Consequently, it is inconsistent with these contractual obligations previously assumed by Mauritius for its Government now to claim that it has reservations, on the same subject, about the 1979 Convention.

The objection of the Government of the United Mexican States to the reservations in question should not be interpreted as an impediment to the entry into force of the 1979 Convention between the United Mexican States and Mauritius.

Objections, identical in essence, *mutatis mutandis*, were also formulated by the Government of Mexico in regard to the reservations made by various States, as follows:

- (a) Bangladesh, 21 February 1985: In respect of reservations made by the Government of Bangladesh concerning article 2, article 13, paragraph (a) and article 16, paragraphs 1 (c) and (f);
- (b) Jamaica, 21 February 1985: In respect of the reservation made by the Government of Jamaica concerning article 9, paragraph 2;
- (c) New Zealand, 22 May 1985: In respect of reservations made by the Government of New Zealand (applicable to the Cook Islands) concerning article 2, paragraph (f) and article 5, paragraph (a);
- (d) Republic of Korea, 6 June 1985: In respect of reservations made by the Government of the Republic of Korea concerning article 9 and article 16, paragraphs 1 (c), (d), (e), (f) and (g). In this case, the Government of Mexico stated that the principle of the equal rights of men and women and of non-discrimination on the basis of sex, which are set forth in the Charter of the United Nations as one of its purposes in the Universal Declaration of Human Rights of 1948 and in various multilateral instruments, have already become general principles of international law which apply to the international community, to which the Republic of Korea belongs;
- (e) Cyprus, 29 January 1986: In respect of the reservation made by the Government of Cyprus to article 9, paragraph 2;
- (f) Turkey, 7 May 1986: In respect of the reservations made by the Government of Turkey to article 16, paragraphs 1 (c), (d), (f) and (g);
- (g) Egypt, 16 July 1986: In respect of the reservations made by the Government of Egypt to articles 9 and 16;

(h) Thailand, 16 October 1986: In respect of the reservations made by the Government of Thailand concerning article 9, paragraph 2, article 15, paragraph 3, and article 16;

(i) Iraq, 4 December 1986: In respect of the reservations made by the Government of Iraq concerning article 2, paragraphs (f) and (g), article 9, paragraphs 1 and 2, and article 16;

(j) Libyan Arab Jamahiriya, 23 July 1990: In respect of the reservation made by the Government of the Libyan Arab Jamahiriya.

The Secretary-General received from the Government of Mexico, on the date indicated below, a communication as follows:

Malawi, 5 August 1987: "The Government of the United Mexican States hopes that the process of eradication of traditional customs and practices referred to in the first reservation of the Republic of Malawi will not be so protracted as to impair fulfilment of the purpose and intent of the Convention."

Objections by the Netherlands to the reservations made by Bangladesh, Iraq, the Libyan Arab Jamahiriya, Malawi, Mauritius, Thailand and Turkey upon accession and by Brazil, Egypt, Jamaica, the Republic of Korea and Tunisia upon ratification

[Original: English]
[23 July 1990]

"The Government of the Kingdom of the Netherlands considers that the reservations made by Bangladesh regarding article 2, article 13 (a) and article 16, paragraphs 1 (c) and (f), by Egypt regarding article 2, article 9 and article 16, by Brazil regarding article 15, paragraph 4, and article 16, paragraphs 1 (a), (c), (g) and (h), by Iraq regarding article 2, paragraphs (f) and (g), article 9 and article 16, by Mauritius regarding article 11, paragraphs 1 (b) and (d), and article 16, paragraph 1 (g), by Jamaica regarding article 9, paragraph 2, by the Republic of Korea regarding article 9 and article 16, paragraphs 1 (c), (d), (f) and (g), by Thailand regarding article 9, paragraph 2, article 15, paragraph 3 and article 16, by Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraphs 1 (c), (d), (f), (g) and (h), by Turkey regarding article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g), are incompatible with the object and purpose of the Convention (article 28, paragraph 2).

"The Government of the Kingdom of the Netherlands has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession 'is made subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah', and considers the said reservation incompatible with the object and purpose of the Convention.

"The Government of the Kingdom of the Netherlands has also examined the reservations made by the Republic of Malawi, by which 'owing to the deep-rooted nature of some traditional customs and practices of Malawians, the Government of the Republic of Malawi shall not, for the time being, consider itself bound by such provisions of the Convention as require immediate eradication of such

traditional customs and practices', and considers the said reservations incompatible with the object and purpose of the Convention.

"The Government of the Kingdom of the Netherlands therefore objects to the above-mentioned reservations.

"These objections shall not preclude the entry into force of the Convention as between Bangladesh, Egypt, Brazil, Iraq, Mauritius, Jamaica, the Republic of Korea, Thailand, Tunisia, Turkey, Libyan Arab Jamahiriya, Malawi and the Kingdom of the Netherlands."

Objection by Norway to the reservation made by the Libyan Arab
Jamahiriya upon accession

[Original: English]
[16 July 1990]

"The Government of Norway has examined the contents of the reservation made by the Libyan Arab Jamahiriya, by which the accession 'is subject to the general reservation that such accession cannot conflict with the laws on personal status derived from the Islamic Shariah'. The Norwegian Government has come to the conclusion that this reservation is incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Norway objects to the reservation.

"The Norwegian Government will stress that, by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all forms and manifestations, against women. A reservation by which a State party limits its responsibilities under the Convention by invoking religious law (Shariah), which is subject to interpretation, modification and selective application in different States adhering to Islamic principles, may create doubts about the commitments of the reserving State to the object and purpose of the Convention. It may also undermine the basis of international treaty law. All States have a common interest in securing that all parties respect the treaties to which they have chosen to become parties."

Objections by Sweden to the reservations made by Bangladesh, Iraq,
the Libyan Arab Jamahiriya, Malawi, Mauritius and Thailand upon
accession and Brazil, Egypt, Jamaica, New Zealand, the Republic
of Korea and Tunisia upon ratification

[Original: English]
[17 March 1986]

"The Government of Sweden considers that [the following reservations] are incompatible with the object and purposes of the Convention (article 28, paragraph 2), and therefore objects to them:

"Thailand regarding article 9, paragraph 2, article 15, paragraph 3 and article 16;

"Tunisia regarding article 9, paragraph 2, article 15, paragraph 4, and article 16, paragraphs 1 (c), (d), (f), (g) and (h);

"Bangladesh regarding article 2, article 13 (a), and article 16, paragraphs 1 (c) and (f);

"Brazil regarding article 15, paragraph 4, and article 16, paragraphs 1 (a), (c), (g) and (h);

"Indeed the reservations in question, if put into practice, would inevitably result in discrimination against women on the basis of sex, which is contrary to everything the Convention stands for. It should also be borne in mind that the principles of equal rights of men and women and of non-discrimination on the basis of sex are set forth in the Charter of the United Nations as one of its purposes, in the Universal Declaration of Human Rights of 1948 and in various multilateral instruments, to which Thailand, Tunisia and Bangladesh are parties.

"The Government of Sweden furthermore notes that, as a matter of principle, the same objection could be made to the reservations made by:

"Egypt regarding article 2, article 9, paragraph 2, and article 16;

"Mauritius regarding article 11, paragraphs 1 (b) and (d), and article 16, paragraph 1 (g);

"Jamaica regarding article 9, paragraph 2;

"Republic of Korea regarding article 9 and article 16, paragraphs 1 (c), (d), (f) and (g);

"New Zealand in respect of the Cook Islands regarding article 2, paragraph (f) and article 5, paragraph (a).

"In this context the Government of Sweden wishes to take this opportunity to make the observation that the reason why reservations incompatible with the object and purpose of a treaty are not acceptable is precisely that otherwise they would render a basic international obligation of a contractual nature meaningless. Incompatible reservations, made in all forms of discrimination against women, do not only cast doubts on the commitments of the reserving states to the objects and purpose of this Convention, but moreover, contribute to undermine the basis of international contractual law. It is in the common interest of states that treaties to which they have chosen to become parties also are respected, as to object and purpose, by other parties."

Subsequently, the Secretary-General received from the Government of Sweden, on the dates indicated below, objections of the same nature as the ones above with regard to the reservations made by the following States:

(a) Iraq, 12 March 1987: In respect to the reservations made by Iraq to article 2, paragraphs (f) and (g), article 9, paragraph 1, and article 16;

(b) Malawi, 15 April 1988: In respect to the first reservation made by Malawi;

(c) Libyan Arab Jamahiriya, 25 May 1990: In respect to the reservation made by the Libyan Arab Jamahiriya.

D. Notifications of withdrawal of certain reservations

Belarus, Ukraine and the Union of Soviet
Socialist Republics

In communications received on 8 March 1989, and 19 and 20 April 1989, the Governments of Belarius, the Ukraine, and the Union of Soviet Socialist Republics, respectively, notified the Secretary-General that they had decided to withdraw the reservations made upon their ratification relating to article 29, paragraph 1. The reservations were identical in essence, *mutatis mutandis*, to the reservation made by the Union of Soviet Socialist Republics.

Czechoslovakia

On 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the following reservation to article 29, paragraph 1, of the Convention, made upon ratification on 16 February 1982:

[Original: Czech]

"The Czech and Slovak Federal Republic, in accordance with paragraph 2, article 29, of the Convention on the Elimination of All Forms of Discrimination against Women, does not consider itself bound under paragraph 1 of its article 29. In the opinion of the Czech and Slovak Federal Republic any disputes concerning the interpretation or implementation of this Convention should be solved by direct negotiations between the parties to the dispute or in another manner to be agreed upon by the parties to the dispute."

France

In a notification received on 26 March 1984, the Government of France informed the Secretary-General of its decision to withdraw the reservation to article 7 of the Convention made upon ratification.

Subsequently, in a notification received on 21 July 1986, the Government of France informed the Secretary-General that it had decided to withdraw its reservation relating to article 15, paragraphs 2 and 3, and article 16, paragraphs 1 (c), (d) and (h) of the Convention, made upon ratification.

The notification specified that the withdrawal was effected because the existing discriminatory provisions, against women, in the rules governing property rights arising out of matrimonial relationship and in those concerning the legal administration of the property of children were abrogated by Act No. 85-1372 of 23 December 1985 concerning equality of spouses in respect of property rights arising out of a matrimonial relationship and equality of parents in respect of the property of minor children, which entered into force on 1 July 1986.

Hungary

In a communication received on 8 December 1989, the Government of Hungary notified the Secretary-General that it had decided to withdraw the reservation in respect of article 29, paragraph 1, made upon ratification.

Ireland

On 19 December 1986, the Government of Ireland notified the Secretary-General of its withdrawal of the reservations made in respect of article 9, paragraph 1, article 11, paragraph 1, article 13, paragraph (a) and article 15, paragraph 4.

Malawi

In a communication received on 25 January 1990, the Government of Malawi notified the Secretary-General as follows:

"In this connection, the Permanent Mission is under instruction to inform that the Malawi Government has decided to withdraw all the reservations which Malawi had entered when it acceded to the Convention. As a result of constant review of relevant laws and regulations, which review was already under way even at the time of Malawi's accession to this important Convention, the Government has been able to resolve those factors which had necessitated its reservations."

Mongolia

In a communication received on 19 July 1990, the Government of Mongolia notified the Secretary-General of its decision to withdraw the reservation made upon ratification with respect to article 29, paragraph 1.

New Zealand

On 13 January 1989, the Secretary-General received from the Government of New Zealand, a communication notifying him that, after consultation with the Government of the Cook Islands and the Government of Niue, it denounced the Convention concerning the employment of women on underground work in mines of all kinds (ILO Convention No. 45) on 23 June 1987 and that in accordance with article 28, paragraph 3, of the Convention on the Elimination of All Forms of Discrimination against Women, it withdrew the reservation made upon ratification.

Republic of Korea

On 15 March 1991, the Government of the Republic of Korea notified the Secretary-General of its decision to withdraw the reservation it had made upon ratification of the Convention to the extent that it applied to subparagraphs (c), (d) and (f) of paragraph 1 of article 16. The reservation now reads as follows, the words appearing in square brackets have been withdrawn:

[Original: Korea]

[Courtesy translation]

"The Government of the Republic of Korea, having examined the said Convention, hereby ratifies the Convention considering itself not bound by the provisions of article 9 and sub-paragraph[s] (c), (d), (f) and] (g) of paragraph 1 of article 16 of the Convention.

"In accordance with article 28, paragraph 3, of the Convention, the above-mentioned notification took effect on the date of its receipt, that is, on 15 March 1991."

Thailand

On 25 January 1991, the Government of Thailand notified the Secretary-General of its decision to withdraw the reservation made upon its accession to the Convention, to the extent that it applied to article 11, paragraph 1 (b), and article 15, paragraph 3. At the same time, the Government of Thailand reiterated the declaration that it had also made upon accession, the content of which remained unchanged. The remaining reservations now read as follows, the words appearing in square brackets (in paragraphs 2 and 3) having been withdrawn:

[Original: English]

"In all matters that concern national security, maintenance of public order and service or employment in the military or paramilitary forces, the Royal Thai Government reserves its right to apply the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, in particular articles 7 and 10, only within the limits by national laws, regulations and practices.

"With regard to article 9, paragraph 2, [and article 11, paragraph 1 (b), as far as night work of women and special protection of working women are concerned] the Royal Thai Government considers that the application of the said provision(s) shall be subject to the limits and criteria established by national laws, regulations and practices.

"The Royal Thai Government does not consider itself bound by the provisions of [article 15, paragraph 3,] article 16 and article 29, paragraph 1, of the Convention."

Annex I

STATUS OF DECLARATIONS, RESERVATIONS, OBJECTIONS AND NOTIFICATIONS
OF WITHDRAWAL OF RESERVATIONS BY STATES PARTIES RELATED TO
ARTICLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN

<u>State party</u>	<u>Articles for which declarations or reservations have been made</u>	<u>States parties that have raised objections</u>	<u>Articles for which reservations have been withdrawn</u>
Argentina	29, para. 1		
Australia	11, para. 2 (b)		
Austria	7, para. (b) 11, para. 1 (f)		
Bangladesh	2	Germany Mexico Netherlands Sweden	
	13, para. (a)	Germany Mexico Netherlands Sweden	
	16, paras. 1 (c) and (f)	Germany Mexico Netherlands Sweden	
Belarus	[29, para. 1]		29, para. 1
Belgium	7, paras. (a) and (b) 15, paras. 2 and 3		
Brazil	15, para. 4	Germany Netherlands Sweden	
	16, paras. 1 (a), (c), (g) and (h)	Germany Netherlands Sweden	
	29, para. 1		
Bulgaria	29, para. 1		
Canada	11, para. 1 (d)		
China	29, para. 1		
Cuba	29, para. 1		

<u>State party</u>	<u>Articles for which declarations or reservations have been made</u>	<u>States parties that have raised objections</u>	<u>Articles for which reservations have been withdrawn</u>
Cyprus	9, para. 2	Mexico	
Czechoslovakia	[29, para. 1]		29, para. 1
Egypt	2	Germany Netherlands Sweden	
	9, para. 2	Germany Mexico Netherlands Sweden	
	16	Germany Mexico Netherlands Sweden	
	29, para. 1	Mexico	
El Salvador	29, para. 1		
Ethiopia	29, para. 1		
France	[7] 14, paras. 2 (c) and (h) [15, paras. 2 and 3] [16, paras. 1 (c), (d) and (h)] 16, para. 1 (g) 29, para. 1		7 15, paras. 2 and 3 16, paras. 1 (c), (d) and (h)
Germany*	General declaration 7, para. (b)		
Hungary	[29, para. 1]		29, para. 1
Indonesia	29, para. 1		
Iraq	2, paras. (f) and (g)	Germany Mexico Netherlands Sweden	

*For the reservation made by the former German Democratic Republic, see "Reservations, declarations, notifications and objections relating to the Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW/SP/13/Rev.1).

<u>State party</u>	<u>Articles for which declarations or reservations have been made</u>	<u>States parties that have raised objections</u>	<u>Articles for which reservations have been withdrawn</u>
	9, para. 1	Sweden	
	9, paras. 1 and 2	Germany Israel Mexico Netherlands Sweden	
	16	Germany Mexico Netherlands Sweden	
	29.1	Sweden	
Ireland	[9, para. 1] [11, para. 1] [13, para. (a)] 13, paras. (b) and (c) 15, para. 3 [15, para. 4] 16, paras. 1 (d) and (f)		9, para. 1 11, para. 1 13, para. (a) 15, para. 4
Israel	7, para. (b) 16 29, para. 1		
Jamaica	9, para. 2	Germany Mexico Netherlands Sweden	
	29, para. 1		
Libyan Arab Jamahiriya	General	Denmark Finland Germany Mexico Netherlands Norway Sweden	
Luxembourg	7 16, para. 1 (g)		
Malawi	[5]	Germany Mexico Netherlands Sweden	5
	[29, para. 1]		29, para. 1

<u>State party</u>	<u>Articles for which declarations or reservations have been made</u>	<u>States parties that have raised objections</u>	<u>Articles for which reservations have been withdrawn</u>
Malta	11, para. 1 13 15 16, para. 1 (e)		
Mauritius	11, paras. 1 (b) and (d) 16, para. 1 (g) 29, para. 1	Germany Mexico Netherlands Sweden Germany Mexico Netherlands Sweden	
Mongolia	[29, para. 1]		29, para. 1
New Zealand (Cook Islands)	2, para. (f)	Mexico Sweden	
(Cook Islands)	5, para. (a)	Mexico Sweden	
(Cook Islands and Niue)	11, para. 2 (b)		
Poland	29, para. 1		
Republic of Korea	9 16, paras. 1 [(c), (d) and f)] (g)	Germany Mexico Netherlands Sweden Germany Mexico Netherlands Sweden	16, paras. 1 (c), (d) and (f)
Romania	29, para. 1		
Spain	7 (declaration)		
Thailand	7 9, para. 2 10	Germany Germany Mexico Netherlands Sweden Germany Mexico	

<u>State party</u>	<u>Articles for which declarations or reservations have been made</u>	<u>States parties that have raised objections</u>	<u>Articles for which reservations have been withdrawn</u>
	[11, para. 1 (b)]	Germany	11, para. 1 (b)
	[15, para. 3]	Germany Mexico Netherlands Sweden	15, para. 3
	16	Germany Mexico Netherlands Sweden	
	29, para. 1		
Trinidad and Tobago	29, para. 1		
Tunisia	9, para. 2	Germany Netherlands Sweden	
	15, para. 4	Germany Netherlands Sweden	
	16, paras. 1 (c), (d), (f), (g) and (h)	Germany Netherlands Sweden	
	29, para. 1		
Turkey	9, para. 1 (declaration)		
	15, paras. 2 and 4	Germany Netherlands	
	16, paras. 1 (c), (d), (f) and (g)	Germany Mexico Netherlands	
	29, para. 1		
Ukraine	[29, para. 1]		29, para. 1
Union of Soviet Socialist Republics	[29, para. 1]		29, para. 1

United Kingdom of Great Britain and Northern Ireland	(declarations) 1 2, paras. (f) and (g) 9 10, para. (c) 11, paras. 1 and 2 13 15, paras. 2 and 3 16, para. 1	Argentina
on behalf of: British Virgin Islands, Falkland Islands (Malvinas), Isle of Man, South Georgia and South Sandwich Islands, and Turks and Caicos Islands	(declarations) 1, 2, 9, 11, 13, 15, 16	
Venezuela	29, para. 1	
Viet Nam	29, para. 1	
Yemen*	29, para. 1	

*The reservation was made by the former Democratic Yemen upon accession.

Annex II

ARTICLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN FOR WHICH STATES PARTIES
HAVE NOT YET WITHDRAWN THEIR RESERVATIONS

<u>Article</u>	<u>State party</u>
1	United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
2	Bangladesh Egypt United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
2, para. (f)	New Zealand (Cook Islands)
2, paras. (f) and (g)	Iraq, United Kingdom
5, para. (a)	New Zealand (Cook Islands)
7	Belgium, Luxembourg, Spain, Thailand
7, para. (b)	Austria, Germany, Israel
9	Republic of Korea, United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
9, paras. 1 and 2	Iraq
9, para. 2	Cyprus, Egypt, Jamaica, Thailand, Tunisia
10	Thailand
10, para. (c)	United Kingdom
11	United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands

<u>Article</u>	<u>State party</u>
11, para. 1	Malta
11, para. 1 (b)	Thailand
11, paras. 1 (b) and (d)	Mauritius
11, para. 1 (d)	Canada
11, para. 1 (f)	Austria
11, para. 2 (b)	Australia, New Zealand (Cook Islands and Niue)
13	Malta, United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
13, para. (a)	Bangladesh
14, para. 2 (c)	France
14, para. 2 (h)	France
15	Malta
15, paras. 2 and 3	Belgium, United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
15, paras. 2 and 4	Turkey
15, para. 3	Thailand
15, para. 4	Brazil, Tunisia
16	Egypt, Iraq, Israel, Malta, Thailand,
16, para. 1 (f)	United Kingdom and on behalf of: British Virgin Islands, Falkland Islands (Malvinas), South Georgia and South Sandwich Islands, and Turks and Caicos Islands
16, paras 1 (a), (c), (g) and (h)	Brazil
16, paras. 1 (c), (d), (f) and (g)	Republic of Korea, Turkey
16, paras. 1 (c), (d), (f), (g) and (h)	Tunisia

ArticleState party

16, paras 1 (c) and (f)

Bangladesh

16, paras 1 (d) and (f)

Ireland

16, para. 1 (e)

Malta

16, para. 1 (g)

France, Luxembourg, Mauritius

29, para. 1

Argentina, Brazil, Bulgaria, China,
Cuba, Egypt, El Salvador, Ethiopia,
France, Indonesia, Iraq, Israel,
Jamaica, Mauritius, Poland, Romania,
Thailand, Trinidad and Tobago, Tunisia,
Turkey, Venezuela, Viet Nam, Yemen*

*The reservation was made by the former Democratic Yemen upon accession.